

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KICKFLIP, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1369-LPS
)	
FACEBOOK, INC.,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO DISMISS PURSUANT TO
RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant Facebook, Inc. hereby respectfully moves to dismiss the complaint in the above action with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

The grounds for this motion are fully set forth in the accompanying opening brief.

ASHBY & GEDDES

/s/ Andrew C. Mayo

Steven J. Balick (I.D. #2114)
Tiffany Geyer Lydon (I.D. #3950)
Andrew C. Mayo (I.D. #5207)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
tlydon@ashby-geddes.com
amayo@ashby-geddes.com

Of Counsel:

Thomas O. Barnett
Jonathan Gimblett
Caitlin R. Cottingham
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
(202) 662-6000

Attorneys for Defendant Facebook, Inc.

Dated: January 4, 2013